

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>JOSEPH C. JAMIESON,</b>	)	
<b>Plaintiff</b>	)	<b>C.A. No. 19-284 Erie</b>
<b>v.</b>	)	
	)	<b>District Judge Susan Paradise Baxter</b>
<b>ULLI KLEMM, et al.,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Joseph C. Jamieson initiated this action by filing a *pro se* complaint on October 2, 2019, against Defendants Ulli Klemm and John Wetzel, alleging that Defendants violated his First Amendment right to the free exercise of religion by failing to provide appropriate food items required for a ceremonial feast recognized by his Native American religion. The case was assigned to the undersigned as presiding judge and referred to U.S. Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On February 10, 2021, Defendants filed a Notice pursuant to Rule 25(a) of the Federal Rules of Civil Procedure suggesting the death of Plaintiff [ECF No. 52]. On June 21, 2021, and August 23, 2021, respectively, Defendants filed status reports documenting their unsuccessful attempts to locate next of kin who might be substituted for Plaintiff under Rule 25 [ECF Nos. 54, 56]. On September 9, 2021, Magistrate Judge Lanzillo issued an Order authorizing Defendants' counsel to utilize an alternative means of service of the suggestion of death upon Plaintiff's next of kin in a last ditch attempt to locate a substitute [ECF No. 57]. This effort again proved unsuccessful.

As a result, on January 10, 2022, Defendants filed a motion to dismiss the complaint in

this matter for lack of prosecution [ECF No. 58]. On January 11, 2022, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that Defendants’ motion be granted and that this case be dismissed for failure to prosecute [ECF No. 59]. No objections to the R&R have been filed.

After de novo review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 10th day of February, 2022;

IT IS HEREBY ORDERED that Defendants’ motion to dismiss Plaintiff’s complaint [ECF No. 58] is GRANTED, and Plaintiff’s complaint is DISMISSED for failure to prosecute. The report and recommendation of Magistrate Judge Lanzillo, issued January 11, 2022 [ECF No. 59], is adopted as the opinion of the Court.

  
SUSAN PARADISE BAXTER  
United States District Judge